The Ombudsman's Review

June 2004

2003 / 04 marked the end of my first five-year term as The Ombudsman.

Looking back over the years, I see by far the most significant landmark as the delinking of my Office from Government systems and practices. This was by enactment of The Ombudsman (Amendment) Ordinance 2001 on 19 December 2001. Almost the entire staff complement is now appointed by me on contract. Another achievement was acquisition of permanent office accommodation in 2002. Meanwhile, with the flexibility and independence resulting from delinking, I have accumulated sufficient savings to retain experienced staff and cater for continuity of the Office, even in the face of financial stringencies.

Externally, I have maintained regular contacts with other ombudsmen or offices with similar functions in the Asia-Pacific Region and worldwide. In September 2000, I was elected to the Board of Directors of the International Ombudsman Institute as a Director of the Australasian and Pacific Region. Now, I am the Secretary to the Boards of both the International Ombudsman Institute and the Asian Ombudsman Association. Such contacts offer useful professional exchanges with overseas ombudsman institutions and benefit the development of ombudsmanship in Hong Kong.

On complaint handling, we introduced a service for receiving complaints by e-mail in January 2000 and by telephone in March 2001. The Ombudsman (Amendment) Ordinance 2001 has put our preliminary inquiries and mediation service on a sound legal basis.

From 1999 / 2000 to 2003 / 2004, my Office concluded close to 20,000 complaints and made 1,018 recommendations for those fully investigated and 459 suggestions for those into which we conducted preliminary inquiries. Most of these recommendations and suggestions have been implemented by the organisations concerned. Public administration has thus improved: clearer guidelines, closer coordination, more effective enquiry and complaint handling, enhanced staff training, greater transparency and clearer accountability to the public. Further examples are outlined in Chapter 6 of this report.

In my 2002 Annual Report, I noted the compartmental mentality and minimalistic approach of some Government departments. This year, I have seen several departments paying only lip service in discharging their duties, especially in enforcement action. A

manifestation of this is the repeated serving of notices, or even warnings, on the culprit indefinitely without any enforcement action whatsoever so that the notices and warnings were all empty threats, and perceived as such by the public. Another form of failure to take real action is hiding behind prioritisation. One or two departments seem satisfied to classify a matter as “low priority” and then accord no priority to it for years on end. Such attitude, such approach, will not only encourage non-compliance and fuel public grievance but, worse still, feed public contempt for the departments concerned and even for Government as a whole.

Most of the organisations on my Schedule take our referrals to them seriously and react positively. In response to our inquiries, they provide my Office with full facts, opening up their files and archives where necessary. For their support, I am most grateful. Meanwhile, I also expect from complainants all available information. They have to establish a *prima facie* case of how and why they are aggrieved. I will not accept mere allegations. In sum, I need cooperation from both complainants and the organisations concerned.

For the effective discharge of my functions, my staff and I observe strictly the requirement for confidentiality imposed by The Ombudsman Ordinance. Given this constraint, I still endeavour to be transparent and keep the public informed of my work. I hold regular press conferences; I meet the media; I scan news reports for issues of public concern. My colleagues and I are encouraged that generally our work has received good media coverage and positive public feedback. We look to the media and to our community for feedback and for comments on our work. We will not be complacent. We will keep our work under constant review.

With 15 years behind us since our institution in 1989, it is time to review the functions and purview of The Ombudsman. This will be a special task in my next term of office.